

SUBJECT NO. 108

Sub:- VUDA, Vsp. Alienation of Govt., lands in favour of VUDA in Satellite Townships of Rushikonda and Kapuluppada layouts-Registration of Sale deeds in favour of auction purchasers and fixation of development cost to the Old auctioners-Reg.

In G.O.Ms.No.120 Revenue (Assignment-I) Department dated 8.2.94, the Govt., have issued Orders that the Govt. lands measuring Ac.260.99 cts., in S.Nos.312, 377, 378, 379 and 380 of Kapuluppada Village and A c.2.101.59 cts., in S.Nos.331/2 & 9, and 332, 331/1 to 13, 334/1,4 and 6 and 336/p of Madhurawada (V) be alienated in favour of VUDA for development of satellite Townships.

Subsequently, the Govt., in G.O.Ms.No.413, M.A., & U.D.Department, dated 26.9.95 have issued Orders alienating the above Govt., lands in favour of VUDA for development of Satellite Townships, directed inter alia that VUDA shall follow the procedure of allotment of plots as prescribed earlier in G.O.Ms.No.913 MA, Dt.9.11.87, ie., disposal of plots through public auction and further directed to develop the lands and disposal of plots with a time frame positively.

As per the G.O.Ms.No.413 MA, Dt.26.9.95, the VUDA has paid the land value to the Govt., and the Dist., collector, Visakhapatnam has issued proceedings in Rc.No.8192/92/B2, Dated: 28.11.1995 to the concerned Mandal Revenue Officers, to handover possession of lands to VUDA.

After internal developments of the layouts ie., Rushikonda/Kapuluppada layouts the VUDA has already conducted auctions in 2 spells in the months of Sept., '96 and October '96 and the 3rd Spell of auction is scheduled to be held on the Last week of November '96. On completion of payment of instalments as specified in the proceedings as per the Govt., orders in respect of the highest bidders, sale deeds have to be executed in favour of the allottees at the expenditure of the bidders.

At this stage, the matter has been referred to legal opinion whether the VUDA is competent to execute sale deeds in favour of the highest bidders (Allottees) without obtaining specific permission of authorisation from the Government or the Dist., collector as the Govt., in their Memo No.4839/(2)

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88-9, MA, Dt. 26.6.89 have clarified that the Govt., lands sold as per G.O.Ms. No. 505 MA, Dt. 23.9.88 by the collector in the old auction held in 1989, the collector has to transfer the title of plots to the bidders through the sale deeds registered in favour of purchaser but the procedure of assignment of lands and granting pattas by the Mandal Revenue Officer's has no application for the auctioned plots.

The standing counsel of VUDA in his opinion dated 1-11-1996 has opined as here under.

The Govt., in G.O.Ms. No. 120, Revenue (Assignment-I) Dept., dated 8.2.94 have already issued Orders for alienation of Govt., lands in Rushikonda/Kapuluppada layouts and the alienation has been reaffirmed by the Govt., in G.O.Ms. No. 413 MA, Dt. 26.9.95, and directed VUDA to develop and dispose off the plots within a time frame positively. The Dist., Collector, Visakhapatnam in the proceedings Rc. No. 8192/92/B2, Dt. 28.11.95 has already ordered for delivery of the lands to VUDA by the concerned Mandal Revenue Officers.

In view of the above, it is very clear that the ownership of the lands stands vested in VUDA by virtue of the cumulative effect of the above two G.Os, besides the District Collector orders for delivery of the lands and the subsequent delivery effected in favour of VUDA. In view of the above, the Standing Counsel opined that no other or further proceedings either from the Govt., or from the Dist., Collector, Visakhapatnam, is necessary for conferring a better title in favour of VUDA in respect of the said layouts. Hence, for all practical purposes, the VUDA is the lawful and rightful owner of these lands and VUDA is certainly entitled to execute sale deeds in favour of the respective allottees.

Further, in the year 1989, the Dist., Collector, Visakhapatnam have auctioned 60 plots in the Rushikonda layout and 5 plots in Kapuluppada layout duly collecting auction amount in the name of Dist., Collector, Visakhapatnam, and the same was kept in the shape of F.D.Rs. It is also ordered to pay Rs. 99/- per Sq. yard towards development charges directly to VUDA. As against the 65 plots in the above two layouts Two auctioners have paid full development charges and one has

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pending in the Hon'ble High court at that time and so far the title deeds by executing sale deeds in favour of the allottees were not issued due to the above stay orders of High Court. Recently the High Court has dismissed the WPs in favour of VUDA and Dist., Collector. The Govt. in G.O.Ms. No.413 MA ,Dt.26.9.95, the entire lands in Kapuluppada and Rushikonda layout were alienated in favour of VUDA and in turn the Dist., Collector, Visakhapatnam has handed over possession of the above lands in favour of VUDA. The said 65 plots are part and parcel of the layouts formed by VUDA.

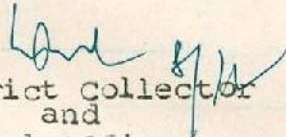
In view of the above, a legal opinion was sought from the Standing Counsel for payment of development cost by the 65 old auctioners.

The Standing Counsel in his opinion dated:19.7.96 has opined that, it be appropriate to charge development charges at the current rate in all the cases in respect of the prospective allotments as well as the allotments which date back to 1989 in respect of which development charges were not paid at the rate of Rs.99/- per sq.yard at that time. Therefore the development charges as worked out at Rs.335/- per sq.yard, in Rushikonda layout and Rs.227.50 per sq.yard in respect of Kapuluppada layout may be collected from the old allottees in the year 1989. The balance land cost if any may also be collected and the sale deeds may be executed by VUDA in favour of the allottees.

Hence, the matter is placed before VUDA Board for approval of the above matter.

RESOLUTION: NO. 108

Resolved to approve the proposals for registration of plots in favour of **new** auctioners and also ^{for} the old auctioners of 1989 after collecting full cost of plots including development cost as now ~~fix~~ fixed from the old auctioners at Rs.335/- per sq.yard in Rushikonda and Rs.227.50 per sq.yd., in Kapluppada layout.


District Collector
and
Special Officer,
VUDA.